

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GABINO GENAO,

Plaintiff,

-against-

DOC COMMISSIONER; OSIU DEPT.
SANCHEZ; OSIU DEPT. GUIDY; OSIU DEPT.
WARDEN SMALLS; MDC CIB MICHAEL
EVERSON; MDC SECURITY CAPT.
HERNANDEZ; SUFFOLK COUNTY HEARING
OFFICER YASCONE, BADGE # 1276; IG
OFFICER SUFFOLK COUNTY ANTHONY
GERMANO, BADGE # 1057, ALSO KNOWN AS
MR. G.; IG OFFICER SUFFOLK COUNTY
BERTOLLI, ALSO KNOWN AS MR. B.; LT.
JANE DOE, SUFFOLK COUNTY; OSIU CHIEF
STOKES; DOC BUREAU CHIEF; and PEGGY
JOSEPH, OSIU DEPT.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/28/2022

1:20-cv-04872-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On July 27, 2022, the Court held an Initial Pre-Trial Conference in the above-captioned case. Plaintiff appeared *pro se* and the remaining Defendants appeared by counsel. This Order summarizes and supplements the Court's orders at the conference.

At the conference, the Court admonished the Defendants that this case has been unnecessarily protracted. By separate Order, the Court will enter the Case Management Plan as discussed at the conference. Any discovery disputes must be promptly brought to the Court's attention. All Parties are on notice that failure to raise discovery issues or comply with the Court's Orders and Individual Rules of Practice in Civil Cases may result in sanctions, including the preclusion of evidence, dismissal of defenses, or dismissal of this action for failure to prosecute.

Plaintiff is granted leave to file a Second Amended Complaint to add a Christopher Alleyne as a Defendant. Plaintiff must submit his Second Amended Complaint on or before August 29, 2022.

Plaintiff's motion for the appointment of *pro bono* counsel [ECF No. 73] is denied without prejudice. The Court cannot compel counsel to represent him in this action. *Mallard v. U.S. Dist. Court for the Southern Dist. Of Iowa*, 490 U.S. 296, 308-09 (1989). At this early stage, the Court cannot determine whether a recommendation that *pro bono* counsel represent him would be appropriate. The Court previously granted a partial motion to dismiss in this action [ECF No. 65], and Plaintiff has been granted leave to amend to add a new Defendant. *Bridges v. NY Correctional Services*, 2019 U.S. Dist. LEXIS 39403, at *5-9 (S.D.N.Y. Mar. 12, 2019). Plaintiff is directed to the *Pro Se* Office of the Southern District Of New York for any assistance they may provide in identifying counsel or referring Plaintiff to legal assistance organizations.

Plaintiff's further letter request [ECF No. 74] entitled "Free From Restraint During Legal Call," in which Plaintiff asks that the Court direct the Attica Correctional Facility to permit him to be unhandcuffed during teleconferences and while reviewing discovery, is denied. The Court will forward the request to the Legal Office at Attica for consideration.

The Clerk of the Court respectfully is requested to mail a copy of this Order and the Amended Complaint [ECF No. 6] to the *pro se* Plaintiff at the address of record.

SO ORDERED.

Date: July 28, 2022
New York, NY



MARY KAY VYSKOCIL
United States District Judge